

## REMARKS

Claims 1-22 have been rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner contends that they are "generally narrative and indefinite... and are replete with grammatical and idiomatic errors." Accordingly, suitable modifications thereto have been made herein. Claim 4, which is the only claim specifically mentioned by the Examiner, has been objected to for its inclusion of the phrase "such as". This phrase has been deleted. Claims 25 and 26 have been added to re-insert into the set of claims the subject matter deleted by the modification made herein to claim 4.

Claims 1-4, 11, 12 and 16 have been rejected under 35 USC 102(b) as anticipated by GIANNUZZI. Reconsideration and withdrawal of this rejection are respectfully requested in light of the following remarks.

An object of the present invention is to provide a fastening device designed for maintaining a plurality of panels in a stack and, in particular, to ensure that the stack of panels can withstand vibrations without any play occurring in the panels thereof.

This object is attained due to the fact that the cap of the female part is an elastic clip that is resiliently deformable as shown, for example, in Figures 6 and 7.

GIANNUZZI discloses a different type of a device designed for a different usage. More specifically, this reference is directed to an anchor which when installed in a hollow wall is adapted to receive a fastener screw to hold an object adjacent to the wall. A T-shaped head 10 has a foot extending therefrom formed by two blades 12 and 13 which are elastically expandable by a screw-like male part 24. The blades comprise two tabs 15, 17 which extend perpendicularly from the blades in order to co-operate with the threads of the fastener screw in the manner shown in Figure 6. This figure reveals that the blades 11, 13 expand within the

wall 21, with the expansion beginning at the head 10. Accordingly, this device cannot be used for maintaining panels in a stack and is not designed to ensure that the stack of panels can withstand vibrations without encountering play in the panels.

More specifically, in GIANNUZZI no resilient deformation of the head of the female part is disclosed. This is not surprising because such a feature is unnecessary in a device that serves to anchor the fastener device within a hollow wall in order to affix a hook 22 to the wall.

Claim 1 recites that "the cap (20, 60, 80) is formed by a spring blade bent back on itself". As explained above, no such feature is disclosed in GIANNUZZI. The Examiner points to col. 4, lines 7-11 of the reference for support that it discloses this feature. However, that portion of the reference refers to "the blades of the anchor" as having "spring metal characteristics" whereas, in sharp contrast thereto, the present claimed invention recites that such characteristics are provided in the cap. Therefore, claim 1 is not anticipated by this reference. Moreover, the above - mentioned feature is not suggested in this reference nor is there any motivation for modifying it so as to obviate the present invention. Therefore, claim 1 is allowable over GIANNUZZI under 35 USC 102 and 103.

Claims 2-22, 24 and 25 depend from claim 1 and, thus, each is allowable therewith.

Claims 1, 3, 4, 9, 10 and 15 have been rejected under 35 USC 103(a) as being unpatentable over Coules in view of Peterson et al. ("Peterson"). Reconsideration and withdrawal of this rejection are respectfully requested in light of the following remarks.

Coules discloses a locking fastener device which the Examiner acknowledges "fails to disclose the cap being formed by a spring blade bent back on itself...". The Examiner applies Peterson in an effort to bridge this gap because it "teaches a cap 20 formed by a spring

blade...". The Examiner concludes that it would have been obvious to modify Coules' fastener to include Peterson's cap. However, the reasoning is flawed. Firstly, Coules and Peterson are from non-analogous arts. Coules discloses a fastener whereas Peterson discloses a washer. Such components are designed to solve different problems in different ways with different structures. Thus, a person faced with a problem to solve in the fastener art is unlikely to seek a solution in the washer art. Consequently, these two references cannot be combined.

Secondly, even if the combination of these references were to be found appropriate in principle, there is no way of reasonably combining them to obviate the present claimed invention. Why would anyone replace the cap of Coules with Peterson's washer, as proposed by the Examiner? If anything, Peterson's washer would simply be positioned between bottom wall 35 of head 33 and panel P. The only reason for doing so is reliance on hindsight based on the present claimed invention. This is impermissible.

Moreover, even if someone were to attempt to replace head 33 of Coules with Peterson's washer, as unlikely as that is, it certainly does not automatically follow that the other features recited in claim 1 would appear in such a combination. For example, why should the "inner branch [be] joined to the hollow foot and one outer branch", and so on?

Thus claim 1 is allowable over the combination of Coules and Peterson, as are all the claims dependent from claim 1.

Claims 2, 6-8, 13 and 14 have been rejected under 35 USC 103(a) as being unpatentable over Coules in view of Peterson, and further in view of DeRobertis. However, DeRobertis fails to bridge the above-described gap between the invention recited in claim 1 and the combination of Coules and Peterson. Thus, these claims are allowable.

Claims 1 and 17 have been rejected under 35 USC 103(a) as being unpatentable over Adell in view of Coules. Reconsideration and withdrawal of this rejection are respectfully requested in light of the following remarks.

Adell discloses a body side molding, such as for the door of an automobile. Coules discloses a fastener device. These are from non-analogous arts, as that term is discussed above such references are not properly combinable to reject the present claimed invention.

Moreover, no combination of these references can be made which obviates the present claimed invention. The Examiner contends that it would be obvious "to replace the fastener 48 in Adell's device with the fastener of Coules...". Referring to the Fig. 2 embodiment of Adell, it includes inner part 30 and outer part 32 which are elongated strips shown in transverse cross section by Fig. 2. A series of fasteners 48 are positioned at periodic intervals to attach inner part 30 to panel 38 of the vehicle body. If the Examiner's suggestion for modifying Adell were to be adopted, the result would have no resilience with respect to the panel. The resilience in Adell is between inner and outer parts 30, 32. Inner part 30 creates no resilience with respect to panel 38, nor would the Coules fastener bring any such resilience into play. Inner part 30 does not have its edges deformed based on the motion of fastener 48. In contrast, the present invention applies pressure to the stack of panels due to the resilience in the cap which is deformed as the "foot moves from its unlocked configuration to its locked configuration". Thus, the structure of the claimed invention is fundamentally different from even the combination of these applied references. Accordingly, claim 1 is patentable thereover, as is claim 17 which depends from claim 1.

Claim 18 has been rejected under 35 USC 103(a) as being unpatentable over Adell in view of Coules, and further in view of Kraus. However, Kraus fails to bridge the gap, as discussed

above, between the present invention and the combination of Adell and Coules. Thus, claim 18 is patentable thereover.

The indication by the Examiner that claim 5 would be allowable if rewritten in independent form and to overcome the rejection under 35 USC 112, second paragraph is acknowledged with appreciation. Claim 23 has been submitted herein which is a combination of claims 1 and 5, as well as intervening claims 3 and 4. Also, it is in full compliance with 35 USC 112. Accordingly, claim 5 is allowable.

New claim 24 has been derived by in essence combining claims 1 to 4, and includes additionally thereto the feature that the end of the barrel comprises shoulders on which the ends of the blades are bearing when the male and female parts are in their locking position. Such an arrangement is disclosed in the embodiment of the male part shown in Figures 6 to 21 where the male part is not a screw but a member having a barrel provided with projecting lugs with shoulders on which bear the ends of the blades in the locking position of the device, as is clearly depicted in Figure 7.

Figure 7 shows that the female part is squeezed between the head of the male part and the outwardly projecting shoulders of the barrel lugs 72, 73. Due to the resilient deformation of the female part, the panel stack is capable of withstanding vibrations without any play in the panels.

It is readily apparent that a fastener device such as presented hereinabove with a male part having a barrel with outwardly projecting lugs and shoulders thereon is not disclosed nor even suggested in GIANNUZZI. Accordingly claim 24 is allowable.

The remaining cited references have been reviewed but found not to adversely affect the patentability of the present invention by way of teaching you or rendering it obvious.

Based on all of the above, it is respectfully submitted that the present application is now proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited.

Should the Examiner have any comments, questions, suggestions, or objections he is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

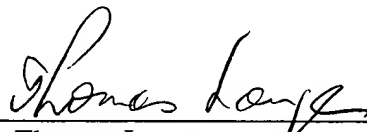
A check in the amount of \$36.00 is enclosed in payment for the addition of two new claims.

It is believed that no other fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By



Thomas Langer  
Reg. No. 27,264  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: March 10, 2003

## AMENDMENTS TO THE SPECIFICATION AND CLAIMS SHOWING CHANGES

### In the Claims:

1. Fastening device comprising a male part (1, 5, 7,9) and a female part (2, 6, 8) adapted to be selectively inserted into bores (30, 40) passing through a stack of at least two panels (3, 4) , [these parts selectively cooperating with one another to maintain the panels in a stack, in which device] wherein the female part (2, 6, 8) is an elastic clip [formed by] comprising a cap (20, 60, 80) [extended by] from which extends a hollow foot (21, 61, 81) having different minimum (Dmin) and maximum (Dmax) internal transverse dimensions, [in which] wherein the male part (1, 5, 7, 9) comprises a head (11, 51, 71, 91) extended by a barrel (10, 50, 70, 90) having at least a first given intermediate transverse dimension (D1) , between the minimum (Dmin) and maximum (Dmax) internal transverse dimensions, [this] the barrel being [selectively] sized to be inserted into the hollow foot (21, 61, 81) through an opening (24, 64, 84) in the cap, [and] with the hollow foot (21, 61, 81) [selectively adopting,] and the barrel having an unlocked configuration with respect to each other as a function of at least one relative axial position of the barrel (10, 50, 70, 90) and the hollow foot (21, 61, 81), and for at least a first relative rotational position of the barrel and the foot, [an unlocked configuration in which] with the foot (21, 61, 81) [has] having a reduced transverse dimension in the unlocked configuration, and the hollow foot and barrel having a locked configuration with respect to each other in which the foot (21, 61, 81) is subjected by the barrel (10, 50, 70, 90) to a radial elastic expansion, the fastening device being characterized in that the cap (20, 60, 80) is formed by a spring blade bent back on itself and comprising at least one inner branch (201, 601, 801) joined to the hollow foot (21, 61, 81) and one outer branch (202, 602, 802) into which the opening (24, 64, 84) of the cap is pierced, and in that the inner and outer branches (201, 202; 601, 602; 801, 802) are apart from

one another at least for the unlocked configuration of the hollow foot (21, 61, 81) and are shaped so as to allow an elastic deformation of at least part of the outer branch (202, 602, 802) when the foot (21, 61, 81) moves from its unlocked configuration to its locked configuration.

19. Assembly constituted by a fastening device according to [any one of] claim 1 and by a stack of panels (3, 4) in which bores (30, 40) are provided, and including a bottom panel (4), in which assembly the thickness of the stack is between 0.5 and 3mm, while the bore in the bottom panel has a larger transverse dimension of 7.7 mm.

20. Assembly constituted by a fastening device according to [any one of] claim 1 and by a stack of panels (3, 4) in which bores (30, 40) are provided, and including a bottom panel (4), in which assembly the thickness of the stack is between 3 and 4.5 mm, while the bore in the bottom panel (4) has a larger transverse dimension of 8.2 mm.

21. Assembly constituted by a fastening device according to [any one of] claim 1 and by a stack of panels (3, 4) in which bores (30, 40) are provided and including a bottom panel (4), in which assembly the thickness of the stack is between 4.5 and 6 mm, while the bore in the bottom panel (4) has a larger transverse dimension of 8.7 mm.

22. Assembly constituted by a fastening device according to [any one of] claim 1 and by a stack of panels (3, 4) in which bores (30, 40) are provided and including a bottom panel (4), in which assembly the thickness of the stack is between 6 and 7 mm, while the bore in the bottom panel (4) has a larger transverse dimension of 9.2 mm.